

C O P Y

62H

26

1951

January 8

NEW HAMPSHIRE LAW LIBRARY

SEP 03 1998

CONCORD, N.H.

Mr. H. A. Whitney, Clerk,
Board of Fire Commissioners,
Manchester, New Hampshire

Dear Sir:

You have inquired as follows:

"Would the requirements of periodic physical or cardiograph examinations of the members of the Fire Department, and the consequences thereof, affect in any way the benefits which may or might have accrued to a member under the provisions of chapter 280 of the Revised Laws of the State of New Hampshire relating to Firemen's Retirement System or any other statute relating to firemen?"

It is my opinion that benefits which may have accrued to a member under the provisions of chapter 280 of the Revised Laws would not be directly affected by the requirements of periodic physical or cardiographic examinations but might be relevant to a determination of the factual issue as to whether or not a permanent fireman "became permanently disabled from fire duty, because of injury received in line of duty . . .", section 16, chapter 280, Revised Laws, as inserted by section 3 of chapter 202, Laws of 1945.

Very truly yours,

Gordon M. Tiffany
Attorney General

JMM:HP